



WEARE BOARD OF SELECTMEN MEETING MINUTES

August 2, 2004

*****DRAFT*****

PRESENT: LAURA PETRAIN, CHAIRMAN; DOUGLAS R. COOK, SELECTMAN; HELEEN KURK, SELECTMAN; LEON METHOT, CO-CHAIRMAN.

ADMINISTRATIVE COORDINATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: KELLY BUMPUS

GUESTS: Harry Brown, Frank Campana, Steve Najjar, Ginger Esenwine, Forrest Esenwine, Neal Kurk, Betty Straw, Shirley James, Bill Beaupre.

Chairman Petrain opened the Selectmen's Meeting, held at the Town Office Building, at 6:32 p.m. with the Pledge of Allegiance.

1. PUBLIC PARTICIPATION

Mr. Frank Campana asked if there is more work being done on Center St., and the status of the cost on the Safety Complex. Chairman Petrain asked Selectman Cook if he has a balance. Selectman Cook stated that they will not have a balance. Chairman Petrain informed Mr. Campana that the numbers have not yet come from the Accounting Department, and they have not received the final bill for the reclamation.

Mr. Campana then asked if there is an update from the lawyer looking over the Police Chief's contract. Chairman Petrain stated that the Board has received a legal opinion on the contract, but is unable to discuss it in public. Mr. Campana asked if the lawyer was provided with all the information, and if the specific question of legality was raised. Mr. Campana asked if the lawyer had been provided with any meeting minutes from both the Board of Selectmen's and Police Commission's meetings. Chairman Petrain responded that there were some requests for meeting minutes regarding this issue that the Board was unable to provide. Chairman Petrain stated that if there are no minutes to a meeting, there is case law that no meeting has taken place, and nothing of the meeting is legal. Chairman Petrain stated that she is unsure if this may be the case here, and that there is some documentation of the meeting, but no proper minutes were taken. Mr. Campana stated that he would

like to see this as a concern of the Board. Mr. Campana stated that the Board at that time had gone into a Nonpublic Session at quarter of twelve at night. Mr. Campana stated that this is a big concern of his and concerns a large dollar amount. Mr. Campana stated that he is not convinced that the contract is binding, and that the public did not have any say on it. Mr. Campana referred to a situation in Salem in which the decision of the Board of Selectmen had been overturned due to similar circumstances. Selectman Cook stated that the meeting in question was held on a regularly scheduled meeting night and is no way comparable to what happened in Salem. Selectman Cook stated that the minutes of the meeting are available, although not as detailed as some would like. Selectman Cook stated that the decision on the contract was not different then the previous Chief's contract, and the process was the same as it has been in the past. Selectman Cook stated that he takes issue with Mr. Campana comparing this situation with Salem – which concerned the Board holding an emergency meeting before a vote. Mr. Campana stated that he was unsure of the details of the situation in Salem. Mr. Campana concluded by saying that just because this is the way it was done in the past, does not mean this is the way business should be done.

2. CONSERVATION COMMISSION – ATV TRAIL DECISION

Mr. Thomas Carr from the Conservation Commission stated that the Commission has come to a final decision with regards to the ATV club, and Felch Farm Forest. Mr. Carr thanked Mr. Harry Brown and the ATV club for their patience. Mr. Carr read a letter concerning the decisions made by the Conservation Commission. The letter is entered into public record. The Board discussed with Mr. Carl Knapp the options for closing off access to a path leading to Merrill Rd. They discussed boulders vs. installing a gate. Mr. Knapp and the Board discussed emergency access in regards to boulders. Mr. Knapp stated that there is always a loader and backhoe at the transfer station up the street if the need arises.

3. POLICE PERSONNEL POLICY DISCUSSION

Chairman Petrain informed the public that the issue of the Police Personnel Policy will not be discussed at this meeting due to a member of the Board being absent. Chairman Petrain stated that this issue will be discussed at the next meeting which will be on 8/16/04.

4. POND VIEW BETTERMENT ASSESSMENT LETTER

Mr. Carl Knapp stated that he will address the questions concerning Pond View betterment assessment. Regarding the question of upgrading to a class V road, and prices involved, Mr. Knapp stated that a design will be needed for a project of this size, and that projects of this size have gone out to bid in the past. Regarding the question of the road not being large enough for a 50 ft. right of way, Mr. Knapp

stated that this is an existing road, and it will be the Board's decision. Mr. Knapp stated that 33 ft. is about as narrow as they can go. Regarding the question of which land owners will be assessed, and on what basis, Mr. Knapp stated that the Board must decide on these issues. The Board discussed the issue with Mr. Knapp and Mr. Steve Najjar. There was discussion of how this may be put on the ballot. The Board discussed with Mr. Najjar some of the obstacles he may run into with this process. Chairman Petrain stated that she is not interested in considering anything less than a 50 ft. right-of-way. There was discussion of space needed for emergency personnel. Mr. Knapp stated that the width of the right-of-way does not matter to the Fire Department, they are concerned with the size of the road traveled on. Mr. Najjar stated that he feels it is unfair of the Board to ask that there be 50 ft., and that this will automatically kill the idea. Selectman Cook stated that the decision of 50 ft. was set forth way back in the 40's and 50's, and that we now see on these larger roads that speeding is a concern. Selectman Cook stated that he could be flexible on the 50 ft., and has in the past, asked other boards to look at this issue. Mr. Najjar stated that problems will arise if property owners are asked to relinquish portions of their property. Selectman Cook suggested that Mr. Najjar speak to land owners and see the kind of support he gets. The Board discussed with Mr. Najjar the fact that he will need 51 landowners to consent. Mr. Najjar stated that he feels that he needs more clear decisions such as how much it is going to cost, and how much land will go to the Town before he can speak to the landowners. Chairman Petrain stated that it is her opinion to go with the 50 ft. right-of-way. Selectman Kurk stated that if they are to consider anything other than 50 ft., it should be done through process. Selectman Methot stated that at this time, he is not willing to consider anything other than the 50 ft. right-of-way. Mr. Najjar stated that he would like to remind the Board that this is an old road. Selectman Methot stated that every road upgraded to Town standards needs to confirm to the current standards. Selectman Cook informed Mr. Najjar that he can still get support, and put it on the ballot. Selectman Kurk asked Mr. Najjar if he is clear on his next step. Mr. Najjar stated that it is probably a dead issue, and if pursued, it sounds like he will have to go against the Board. Chairman Petrain stated that it only takes 25 signatures to get it on the ballot. Selectman Cook suggested that Mr. Najjar speak with the Planning Board about relaxing the restrictions. Chairman Petrain stated that she would feel more comfortable with the Planning Board's endorsement.

5. FEMA DISCUSSION

Mr. Carl Knapp spoke with the Board concerning a check received from FEMA. Chairman Petrain stated that the check should be applied to the Highway Department's budget. Selectman Cook stated that this is a unique situation because the Town owes FEMA money due to an overpayment. Selectman Cook stated that the check received should be used to pay back the overpayment by FEMA. Mr. Knapp stated that there is much work involved in applying for FEMA funds, and it is discouraging to the department that applies for the money, if it is not used towards

what it was applied for. Selectman Methot stated that he thought FEMA would not be releasing any further funds until the overage was paid back. Mr. Knapp informed Selectman Methot that this was true, but he had met with FEMA and they agreed this was an entirely different issue and agreed to release these funds. Chairman Petrain stated that the department head has gone through the work to obtain this money, and it will not fully cover the amount the Town was overpaid. Selectman Kurk asked if they could wait to make a decision until speaking with the DRA. The Board discussed this. Selectman Kurk stated she would like to think this over.

6. SAFETY COMPLEX RECLAMATION

Mr. Knapp informed the Board that a portion of the land at the Safety complex needs to be reclaimed due to it being too close to the property line. Mr. Knapp stated that he believes this is the last thing that needs to be done at the site. Mr. Knapp informed the Board that he will keep them updated on the progress.

7. SALT QUOTES

Mr. Knapp discussed the salt quotes with the Board. Mr. Knapp stated that Granite State Minerals price is up 25% from last year. Mr. Knapp informed the Board that this is the least expensive of the three quotes received and that this company holds the State contract. Selectman Kurk asked Mr. Knapp if he knew the reason for the large increase. Mr. Knapp stated that it is possibly due to rising fuel costs. Mr. Knapp asked for authorization to move forward with the lowest quote. Selectman Methot made a motion to award the salt contract to Granite State Minerals at the cost of \$40.80 per ton. Seconded by Selectman Kurk. A vote was taken. Motion passed unanimously.

8. BRIDGE BOND

Mr. Knapp discussed the bridge program with the Board. Mr. Knapp stated that the State has come back with numbers. Mr. Knapp stated that next step is to ask for 80% aid, and the State will ask if the Town has their 20% share, which it does. Mr. Knapp stated that he will be requesting aid for Peaslee Rd. and Lull Rd. Mr. Knapp also informed the Board that Woodbury Bridge is moving along as expected.

9. NEW ENGLAND DISTRICT COMMITTEE DISCUSSION

Mr. Bill Beaupre gave an outline of what the New England District Committee is about. He presented the Board with a copy. Outline is entered into public record. Mr. Beaupre stated that they are looking for the Board to give them formal recognition so they can move forward with researching options for Weare Center.

Selectman Kurk stated that she does not feel the Board has the expertise to decide what needs to go on over there, but would like to see more input from the public. Selectman Kurk stated that she does not see the pressure for time, and thinks it is a big project and pushing it for March is unrealistic. Selectman Kurk stated that she does not feel it should be linked to the Middle School. Selectman Kurk also stated that she has concerns that a new Town Office have the proper space for departments in the future, and input will be needed by offices in this building. Selectman Kurk also stated that the land itself needs to continue to be owned by the Town. Selectman Kurk stated she would like to see there be more than one scenario for the land. Selectman Kurk stated she would like to see other possibilities such as open space. Mr. Beaupre stated that the committee will take a look at what the Board wants, and also how the public feels about the space. Selectman Kurk stated that she would like to see more public participation on the subject. Selectman Methot stated that he liked what he saw and what was presented. Selectman Methot stated that he does not feel that the taxpayers should bear a burden, and they have paid for it once, and should not pay for it again. Selectman Cook stated that he does not have a problem with the committee, but at the last meeting it sounded like they want an endorsement from the Board. Selectman Cook stated that he does not feel he can give an endorsement, not knowing what they are going to come up with. Mr. Beaupre stated that the Committee is looking for support of their intentions. Mr. Beaupre stated they are looking to be an appointed committee of a Town with this one purpose. Mr. Beaupre stated that once they are supported by the Board they will elect officers and move forward with the members and outreach for new members. The Board discussed with Mr. Beaupre the structure of the Committee and the number of members. Selectman Cook stated that he has ideas on what should happen with the land and he will attend the meetings. Selectman Methot moved to recognize the New England District Committee and to authorize them to look at the options. Seconded by Chairman Petrain. A vote was taken. Motion passed unanimously. Selectman Cook asked Mr. Beaupre to keep Mr. Christensen in the loop, and hopes meetings will not be held on a Monday night so the Board of Selectmen can attend. Mr. Beaupre stated that anyone interested in joining the New England District Committee may contact him at 529-2555. Selectman Kurk suggested posting an announcement on cable. Selectman Cook informed the Committee that there has been a proposal by Mr. Steve Burnell to do a study on the property, and to come in and look at the buildings and the costs involved. Selectman Cook stated that this will inform them on whether it will be cost effective to renovate or rebuild. The Board agreed that the Committee should be forwarded the information from Mr. Burnell, and if they decide to use his services, to come back to the Board.

10. MELVIN CHASE TAX ABATEMENT DISCUSSION

Mr. Christensen provided the Board with information concerning the Melvin Chase tax abatement. The Board reviewed the information. Chairman Petrain stated that

this issue will be put on the next agenda to provide the Board time to digest the information.

11. MANIFESTS

Selectman Chairman Petrain made a motion to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated August 5, 2004 in the amount of: \$50,116.92 for accounts payable and \$26,475.77 for gross payroll at a total of \$76,592.69. Motion seconded by Selectman Kurk. A vote was taken. Motion passed unanimously.

Selectman Chairman Petrain made a motion to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated August 12, 2004 in the estimated amount of: \$250,000.00 for accounts payable and an estimated amount of \$30,000.00 for gross payroll at an estimated total of \$280,000.00. Motion seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

12. OLD BUSINESS

BOARDS AND COMMITTEES – Selectman Kurk asked the Board if they had made a motion that the Economic Development Committee need not have a Board member present. The Board discussed whether having an ex-officio as a working means of communication. Selectman Kurk suggested some sort of rotation for the Chairs to come in and update the Board. Selectman Kurk suggested having an open time slot on the agenda for board and committees to come in and discuss issues. Selectman Cook stated that he does not want to put the burden on the chairperson, and that others can come in to update the Board. Chairman Petrain requested that Mr. Christensen send a communication to relevant parties regarding this. Board discussed the importance of having all board's meeting minutes posted on the web site.

ACCESS TO BUDGET INFORMATION – Selectman Kurk stated that Chief Bob Richards does not have access to his budget information without coming over to the Town Office Building. Mr. Christensen informed Selectman Kurk that no department has access to their budget information on the server. Mr. Christensen stated that Ms. Elayne Pierson is the only one that can properly access the information due to a computer glitch. Mr. Christensen stated that he will contact Chief Richards to discuss this issue.

LETTER FROM OPEN SPACE COMMITTEE – Selectman Kurk stated that she thinks that the Open Space Committee left an important selling point out of their letter. Selectman Kurk stated that she feels they should add the tax benefit to putting land in easement.

HONEYWELL FEE – Selectman Kurk asked the Board what services Honeywell provides to the Town. Selectman Methot stated that the fire alarm at the South Station communicates with a receiver in Goffstown, and Honeywell owns the receiver. Selectman Methot stated that the Town pays a yearly fee for the service. Selectman Kurk stated the fee is increasing by .33 cents per month.

TAX CLERK – Selectman Cook stated there is an issue concerning the Tax Clerk being closed on a certain day at noon time. Selectman Cook stated that this was due to a very busy previous day. Selectman Cook stated that he does not mind them taking a break, but requests it be other than noon time because much of the public takes lunch at noon and expects the office to be open for business.

LOWER LEVEL RENOVATIONS – Selectman Cook stated that there is a letter regarding renovations for downstairs in the Town Office Building and the Board reviewed the letter. Selectman Cook expressed concern regarding the length of time this has been drawn out and also the cost it will now entail. Selectman Cook stated that he does not believe he was in favor of this in the first place. Selectman Cook discussed other options. Selectman Kurk stated that Ms. Pierson needs more space and Selectman Cook agreed. Selectman Cook stated he is in favor of moving forward if more than one department will be utilizing the space.

Chairman Petrain made a motion to approve expenditure for lower level projects, not to exceed \$3,700. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

COMMUNICATION COMMITTEE – Chairman Petrain informed the Board that any questions for the Communication Committee for the Middle School should be addressed. Chairman Petrain stated that they can have them in for a discussion or the questions can be done on an individual basis.

ADMINISTRATIVE REPORT

- Mr. Christensen passed out documents for signature.
- Mr. Christensen discussed a survey from UNH and stated he is unsure one person can answer all of the questions. Selectman Methot stated that he would take care of the survey.
- Board reviewed letter from Avitar regarding assessing information. Selectman Methot requested a representative from Avitar come in and speak with the Board.
- Mr. Christensen informed the Board that the Reede deed process is underway.
- Mr. Christensen stated that he has contacted the DRA regarding interest on escrow accounts. Board discussed this, and agreed that the interest should be kept by the town and a public hearing should be held.
- Mr. Christensen updated the Board on the second budget meeting. Mr. Christensen stated that there is an overwhelming cry for public information and

input. Mr. Christensen stated he would like to hold five meetings with different venues to hear the public's thoughts. The Board agreed that the meetings would be a good idea.

- Mr. Christensen went over the master agenda list. Mr. Christensen reviewed the list with the Board and informed them it will be posted on the server.
- Mr. Christensen informed the Board that Sugar and Spice would like a clause put in their contract that states the Town will replace the building if destroyed. Mr. Christensen informed them that this would not be in the best interest of the Town, but would discuss with Board members. Board members agreed that the Town could not make that commitment. Selectman Methot stated there is no reason why Sugar and Spice could not follow them across the street.

13. NEW BUSINESS

DISCUSSION OF THE ROLE OF THE ADMINISTRATIVE COORDINATOR – Mr. Christensen provided the Board with a report of how he views the needs of the Administrative Coordinator, and the role of his position. The Board reviewed the report. Mr. Christensen discussed portions of his report that he feels he either does not currently have authority to do, or time in which to do them. The Board reviewed and discussed the role of the Administrative Coordinator. Chairman Petrain stated that she would like the Board to come up with some questions for Mr. Christensen in Nonpublic Session or one on one. Chairman Petrain stated they would address this at the next meeting.

BOAT PARADE – Selectman Kurk informed the Board that the Lake Horace Association has asked the Board if they would like to participate in their boat parade.

LIFEGUARD – Selectman Kurk stated that she was contacted regarding there being no lifeguard present for swim lessons. Mr. Christensen stated he will contact Mr. Jim Blouin regarding this.

TOWN HALL TABLES AND CHAIRS – Regarding the request to use the tables and chairs from the Town Hall for a function outside on August 21, 2004 by the Holy Cross Church, Selectman Cook stated he did not feel this was a good idea. Selectman Cook stated that this could lead to debris on the new Town Hall floor, and also runs the risk of damage to the furniture. Chairman Petrain stated that the chairs were donated for use in the Town Hall, and is unsure if they can give permission for those, but has no problem letting the tables be used. Chairman Petrain stated that they need to make sure they are not dragging in dirt when returning them. Mr. Christensen stated he will have the custodian check the condition of the furniture when it is returned from being outside.

PAYROLL – Selectman Cook discussed an e-mail he received from an irate employee wanting to know why their direct deposit was not in. Selectman Cook stated that the

funds were in by the end of the business day. Selectman Cook stated that it was late due to lack of signatures by the Board of Selectmen. The Board discussed getting to the Town Office Building to sign manifests. Chairman Petrain discussed getting the Town on a bi-weekly payroll schedule. Chairman Petrain requested it be discussed at the next meeting with Ms. Pierson.

BOLTON FIELD – Selectman Cook discussed a resident's questions about Bolton Field's gate being locked where it is a public field. The Board discussed the issue of damage to the field by a motorized vehicle. Selectman Cook stated that he feels it should be open. Selectman Cook stated he would like to be updated on the status of this issue. The Board discussed the gate being locked only at night.

BALLPARK LIGHTS – Selectman Cook announced that Weare is involved in a contest to get ballpark lights put up for free. To vote for Weare, go to WEEI web site and vote for the Town of Weare.

LAWN QUOTE – Selectman Cook requested a quote for the Safety Complex lawn.

SAFETY COMPLEX – Selectman Cook informed the Board that the last bill for the Safety Complex from Chicoine is in.

NON-PUBLIC SESSION #1 @ 10:48 P.M. RSA 91-A:3 II (a) & (c)

Chairman Petrain moved the Board of Selectmen to enter into non-public session at 10:48 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) & (c). Selectman Kurk seconded the motion. A roll call vote was taken. Co-chairman Methot, yes; Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes—motion passed unanimously. Robert Christensen, Kelly Bumpus, attended this session.

The Board discussed Mr. Christensen's recommendation to change Ms. Merry Rice's position from Secretary to Administrative Secretary. Mr. Christensen went over his reasons for requesting the change. The Board discussed the problem of so many people requesting Ms. Rice's help. Chairman Petrain stated that she had no problem with the change as long as it can be afforded within the budget. The Board agreed on the change.

Chairman Petrain moved the Board to exit non-public session at 11:00 p.m. Selectman Methot seconded the motion. A roll call vote was taken. Co-chairman Methot, yes; Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes. Motion passed unanimously.

Chairman Petrain moved to change Ms. Merry Rice's title from Department Secretary, to Administrative Secretary. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

2nd NON-PUBLIC SESSION @ 11:00 P.M. RSA 91-A:3 II (a) & (c)

Selectman Kurk moved the Board of Selectmen to enter into non-public session at 11:00 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) & (c). Chairman Petrain seconded the motion. A roll call vote was taken. Co-chairman Methot, yes; Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes—motion passed unanimously. Robert Christensen, Kelly Bumpus, attended this session.

Chairman Petrain moved the Board to exit non-public session at 11:12 p.m. Selectman Methot seconded the motion. A roll call vote was taken. Co-chairman Methot, yes; Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes. Motion passed unanimously.

Chairman Petrain moved that the minutes of the non-public session be sealed and restricted. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

14. ADJOURNMENT

Selectman Methot moved that the Board of Selectmen adjourn at 11:13 p.m. Seconded by Chairman Petrain. A vote was taken. Motion passed unanimously.

A True Record

Kelly Bumpus, Recording Secretary